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10 Attorneys for Plaintiff  
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12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA  
14

15 ANGEL JAMES MENDEZ,	) CASE NO. C 03 4485 PJH
	)
	) STIPULATION FOR PARTIAL
	) DISMISSAL WITH PREJUDICE
17 Plaintiff,	) AND ORDER THEREON
	)
18	)
19 vs.	)
	) Trial Date: 3/27/2006
COUNTY OF ALAMEDA, a municipal	)
20 corporation; DEPUTY J. RUSSELL;	)
DEPUTY DEREK MEZA	)
21 DOES 1-100, inclusive,	)
	)
22 Defendants.	)
	)
23	)

1 THE PARTIES, BY AND THROUGH THEIR ATTORNEYS OF RECORD, DO  
2 HEREBY AGREE AND STIPULATE TO:

3 The partial dismissal with prejudice of plaintiff's  
4 claims arising from the incident alleged in plaintiff's First  
5 Amended Complaint which occurred on or about February 13,  
6 2004. Each party shall bear its own attorneys' fees and costs  
7 with respect to said claims.

8 IT IS FURTHER AGREED AND STIPULATED THAT this stipulation  
9 is *not* intended to affect in any way whatsoever the other  
10 claims and/or defenses of any party with respect to the  
11 matters alleged in the First Amended Complaint. Specifically,  
12 plaintiff intends to proceed to trial on all remaining claims  
13 for relief other than those arising specifically from the  
14 incident which occurred on or about February 13, 2004. This  
15 includes, but is not limited to, all claims plaintiff has  
16 arising from the incident of October 10, 2002.

17 IT IS FURTHER STIPULATED AND AGREED THAT this partial  
18 dismissal shall not be used for any purpose at trial and shall  
19 not constitute admissible evidence in this or any other action  
20 other than in a proceeding to enforce the provisions of this  
21 stipulation and order.

22 IT IS FURTHER AGREED AND STIPULATED THAT neither party  
23 shall offer or attempt to offer any evidence at trial or in  
24 any other proceeding concerning the incident which occurred on  
25 or about February 13, 2004, including, but not limited to,  
26

1 evidence relating to the events leading to and/or following  
2 the plaintiff's arrest by defendant Russell on or about  
3 February 13, 2004.

4 IT IS SO STIPULATED

5 Dated: December 6, 2005


\_\_\_\_\_/s/\_\_\_\_\_  
JAMES B. CHANIN  
Attorney for Plaintiff

7 Dated: December 9, 2005

\_\_\_\_\_/s/\_\_\_\_\_  
CLYDE A. THOMPSON  
Attorney for Defendants

9 PURSUANT TO STIPULATION  
10 IT IS SO ORDERED:

11 Dated: **December 13**  
12 Dated: \_\_\_\_\_, 2005

  
\_\_\_\_\_  
PHYLLIS J. HAMILTON  
JUDGE OF THE UNITED STATES  
DISTRICT COURT